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Class Counsel and Counsel for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE RESTORATION ROBOTICS, INC.
SECURITIES LITIGATION.

Case No. 5:18-cv-03712-EJD

CLASS ACTION

~~AMENDED PROPOSED~~ ORDER AWARDING ATTORNEYS' FEES,
REIMBURSEMENT OF EXPENSES, AND INCENTIVE AWARD TO LEAD PLAINTIFF

WHEREAS, this matter came before the Court on September 9, 2021 (the "Settlement Hearing"), on Class Counsel's motion for an award of attorneys' fees, reimbursement of expenses, and incentive award to Plaintiff (the "Motion"). The Court, having considered all matters submitted to it prior to, during, and following the Settlement Hearing; and it appearing that the Claims Administrator posted a copy of the notice, substantially in the form approved by the Court (the "Notice"), to a website dedicated to the administration of the settlement of this action; and that the Notice Packets providing notice of the hearing, substantially in the form approved by the Court (the "Notice Packets"), were mailed to 9,989 potential Class Members and nominees; and that a summary notice of the hearing (the "Summary Notice"), substantially in the form approved by the Court, was published in *Investor's Business Daily* and transmitted over *PR Newswire*; and the Court having considered and determined the fairness and reasonableness of the award of attorneys' fees, expenses, and Plaintiffs' awards requested;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. This Order incorporates and makes a part hereof: (i) the Stipulation and Agreement of Settlement (the "Stipulation"), dated April 22, 2021; and (ii) the Notice, which was filed with

1 the Court therewith. Capitalized terms not defined in this Order shall have the meaning set forth in
2 the Stipulation.

3 2. This Court has jurisdiction over the subject matter of the Action and over all Parties
4 to the Action, including Class Members.

5 3. Class Members were notified that Class Counsel would be applying for an award of
6 attorneys' fees and expenses, and further, that such application also might include a request for an
7 award to Plaintiff Edgardo Guerrini, which payment would include, but would not be limited to,
8 reimbursement of his reasonable costs and expenses related to his representation of the Class. The
9 form and method of notifying the Class of the motion for an award of attorneys' fees and
10 reimbursement of expenses satisfied the requirements of Rules 23 and 54 of the Federal Rules of
11 Civil Procedure, the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, as
12 amended, due process, and any other applicable law; constituted the best notice practicable under
13 the circumstances; and constituted due and sufficient notice to all persons and entities entitled
14 thereto.

15 4. Lead Counsel's Motion is granted, and Plaintiff's Counsel are hereby awarded from
16 the Settlement Fund: (i) attorneys' fees in the amount of \$1,043,750.00; and (ii) payment of
17 litigation expenses in the amount of \$125,142.99, which sums the Court finds to be fair and
18 reasonable.

19 5. In accordance with 15 U.S.C. § 78u-4(a)(4), the Court hereby awards an incentive
20 payment ~~from the Settlement Fund~~ to Plaintiff Edgardo Guerrini in connection with his
21 representation of the Settlement Class, in the amount of \$15,000, to be paid from the awarded
22 attorneys' fees and expenses as indicated in Plaintiff's preliminary approval motion (ECF No. 108).

23 6. The award of attorneys' fees and expenses, ~~as well as the incentive awards to~~
24 ~~Plaintiff~~, including but not limited to Plaintiff's costs and expenses, shall be immediately payable
25 from the Settlement Fund, subject to the terms, conditions, and obligations of the Stipulation.

26 7. In making the awards of attorneys' fees, litigation expenses, and reimbursement of
27 Plaintiff's costs and expenses to be paid from the Settlement Fund, the Court has considered and
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1 found that:

- 2 a. The Settlement constitutes a favorable result for the Settlement Class as it
- 3 created a common fund of \$4.175 million in cash from which numerous
- 4 Class Members who submit acceptable Proofs of Claim will benefit;
- 5 b. The requested attorneys' fees and payment of litigation expenses have been
- 6 reviewed and approved as fair and reasonable by Plaintiff who has been
- 7 directly involved in the prosecution and resolution of the Action and who
- 8 has substantial interests in ensuring that any fees and expenses paid to
- 9 counsel are duly earned and not excessive;
- 10 c. Notice was disseminated to Class Members stating that counsel would be
- 11 submitting an application for attorneys' fees in an amount not to exceed 25%
- 12 of the Settlement Amount, and payment of expenses incurred in connection
- 13 with the prosecution of this Action in an amount not to exceed \$200,000,
- 14 and that such application also might include an incentive payment of up to
- 15 \$25,000, which payment includes but is not limited to reimbursement of
- 16 Plaintiff's reasonable costs and expenses directly related to Plaintiff's
- 17 representation of the Class. No Class Members have filed an objection to
- 18 that application for fees and expenses;
- 19 d. Class Counsel have expended substantial time and effort pursuing the Action
- 20 on behalf of the Class;
- 21 e. The Action raised many complex factual and legal issues;
- 22 f. Class Counsel assumed substantial risk by pursuing the Action on a
- 23 contingent basis, having received no compensation during the Action, and
- 24 expecting any fee award would be contingent on the result achieved;
- 25 g. As set forth in the Motion, Class Counsel devoted over 2,015 hours to the
- 26 prosecution of the Action;
- 27 h. The fee awarded results in a lodestar multiplier of 0.76 which confirms the
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reasonableness of the requested fee;

i. Public policy strongly favors rewarding firms for bringing successful securities class action litigation;

j. The amounts to be paid from the Settlement Fund for attorneys' fees, expenses, and Plaintiff's incentive payments are fair and reasonable and consistent with awards in similar cases.

8. Any appeal or any challenge affecting this Court's approval regarding any attorneys' fee and expense application shall in no way disturb or affect the finality of the Judgment entered with respect to the Settlement.

9. Exclusive jurisdiction is hereby retained over the subject matter of this Action and over all parties to the Action, including the administration and distribution of the Net Settlement Fund to Class Members.

10. In the event that the Settlement is terminated or does not become Final or the Effective Date does not occur in accordance with the terms of the Stipulation, this Order shall be rendered null and void to the extent provided by the Stipulation and shall be vacated in accordance with the Stipulation.

IT IS SO ORDERED.

DATED: September 9, 2021



Honorable Edward J. Davila
United States District Judge